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|-------------------------------|------------------------|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 09/826,652             | OLSEN ET AL.        |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | Ted M Wang             | 2634                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 11/8/2004.
2.  The allowed claim(s) is/are 1-30.
3.  The drawings filed on 05 April 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 3/31/2005.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Examiner's Statement***

1. Applicant's arguments, filed on 11/8/2004, with respect to claims 1-7, 21-23, 27, 28, and 30 have been fully considered and are persuasive. The rejection of 35 USC § 103(a) has been withdrawn.

### ***Examiner's Amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Alan Pedersen-Giles, Registration No. 39,996, on March 31, 2005.

The application has been amended as follows:

3. In the claims:
- In claim 1, line 11, insert --- first --- after "selected".
  - In claim 8, line 9, insert --- first --- after "selected".
  - In claim 14, line 6, insert --- first --- after "selected".
  - In claim 15, line 3, insert --- first --- after "selected".
  - In claim 18, line 4, insert --- first --- after "selected".
  - In claim 19, line 3, insert --- first --- after "selected".
  - In claim 21, lines 15 and 19, insert --- first --- after "selected", respectively.

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- In claim 25, lines 10 and 13, insert --- first --- after "selected", respectively.
- In claim 26, line 5, insert --- first --- after "selected".
- In claim 28, line 15, insert --- first --- after "selected".

***Allowable Subject Matter***

4. Claims 1-30 are allowed.
5. The following is an examiner's statement of reasons for allowance.
  - The prior art fails to teach a method of Claims 1-30 that specifically comprises the following:

-- The instant application is deemed to be directed to a non-obvious improvement over the invention patented in Pat. No. US 5,631,925, US 5,982,837, US 6,163,586, and US 6,163,808. The improvement comprises that incrementing a second counter for each occurrence of a second duration to provide a second total value, the second duration corresponding the selected duration plus a time interval; determining a bit rate of the signal using a weighted average corresponding to the first and the second total values so as to improve the ability of the automatically detecting the bit rate of a signal.
6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

7. Reference(s) US 6,163,586 is cited because they are put pertinent to the auto-baud and auto-echo detection method. However, none of references teach detailed connection as recited in claim.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M. Wang whose telephone number is (571) 272-3053. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571) 272-3056. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Ted M Wang

Examiner

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**SHUWANG LIU**  
**PRIMARY EXAMINER**

Ted M. Wang



**SHUWANG LIU**  
**PRIMARY EXAMINER**